

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF OREGON

ARACELY HERNANDEZ,

Case No. 3:19-cv-00029-BR

Petitioner,

ORDER

v.

PAULA MYERS, Superintendent
Coffee Creek Correctional Facility,

Respondent.

MOSMAN, Chief Judge.

Petitioner, an inmate at the Coffee Creek Correctional Facility, brings this habeas corpus action pursuant to 28 U.S.C. § 2254. Currently before the Court is Respondent's Motion to Dismiss the Petition without prejudice on the basis that Petitioner has not exhausted her available state remedies as Petitioner's appeal from the trial court's denial of post-conviction relief remains pending. Petitioner concedes that she has not exhausted her available state remedies and does not object to Respondent's motion.

Accordingly, the Court GRANTS Respondent's Motion to Dismiss (ECF No. 10) and DISMISSES this action, without prejudice.

IT IS SO ORDERED.

DATED this 22 day of March, 2019.



Michael W. Mosman
United States Chief District Judge